

REMARKS

In view of the following remarks, Applicant respectfully requests reconsideration and allowance of the subject Application.

Rejection of the Claims

In the Office Action mailed 11/29/05, claims 13, 29, 45, and 49 were rejected for double patenting.

CLAIM REJECTIONS – DOUBLE PATENTING

Claims 13, 29, 45 and 49-53 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-13 of US Patent No. 6,707, 852.

Applicant acknowledges the double patenting rejection and responsively includes a copy of a terminal disclaimer filed on 1/20/06 to obviate the double patenting rejection.

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

1 IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

2 Serial No.10/803,068
3 Filing Date 3/16/2004
4 Confirmation No.5179
5 Inventorship Albert S. Wang
6 Applicant..... Microsoft Corporation
Group Art Unit2613
7 ExaminerNHON THANH DIEP
Attorney's Docket No.MS1-0801USC6
8 Title:Digital Video Signal Encoder and Encoding Method

9 TERMINAL DISCLAIMER

10 To: Commissioner for Patents
11 P.O. Box 1450
12 Alexandria, VA 22313-1450

13 From: Paul W. Mitchell
14 (Tel. 509-324-9256; Fax 509-323-8979)
15 Lee & Hayes, PLLC
16 421 W. Riverside Avenue, Suite 500
17 Spokane, WA 99201
18 Customer Number 22801

19 Applicant submits herewith a terminal disclaimer to obviate the
20 non-statutory double patenting rejection over U.S. Patent No. 6,707,852 to Wang,
21 assignee Microsoft Corporation.

22 The assignee, Microsoft Corporation, having one-hundred percent (100%)
23 interest in the instant application, hereby disclaims, except as provided below, the
24 terminal part of the statutory term of any patent granted on the instant application,
which would extend beyond the expiration date of the full statutory term defined
in 35 U.S.C. 154-156 and 173, as presently shortened by any terminal disclaimer,
of prior U.S. Patent No. 6,707,852. The assignee hereby agrees that any patent so
granted on the instant application shall be enforceable only for and during such

 COPY

1 period that it and the prior patent are commonly owned. This assignment runs with
2 any patent granted on the instant application and is binding upon the grantee, its
3 successors or assigns.

4 In making the above disclaimer, the owner does not disclaim the terminal part
5 of any patent granted on the instant application that would extend to the expiration
6 date of the full statutory term as defined in 35 U.S.C. 154-156 and 173 of the prior
7 patent, as presently shortened by any terminal disclaimer, in the event that it later
8 expires for failure to pay a maintenance fee, is held unenforceable, is found invalid
9 by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally
10 disclaimed under 37 C.F.R. 1.321, has all claims cancelled by a reexamination
11 certificate, is reissued, or is in any manner terminated prior to the expiration of its
12 full statutory term as presently shortened by any terminal disclaimer.

13 The undersigned is an attorney of record and the terminal disclaimer fee
14 under 37 C.F.R. 1.20(d) is included.

15
16 Respectfully Submitted,

17
18 Dated: 1/20/06

By: 

Paul W. Mitchell
Reg. No. 44,453
(509) 324-9256

 COPY